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HOUSE BILL 2508

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Van Luven, Chopp, D. Schmidt, Radcliff, H. Sommers, Mitchell, Dyer, Dickerson and Kenney

Read first time . Referred to Committee on .

1 AN ACT Relating to revising administrative provisions of  
2 metropolitan park districts; amending RCW 35.61.010, 35.61.020,  
3 35.61.030, 35.61.050, 35.61.130, 35.61.150, 35.61.180, 35.61.200,  
4 35.61.210, 35.61.290, and 84.52.010; and adding new sections to chapter  
5 35.61 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 35.61.010 and 1994 c 81 s 60 are each amended to read  
8 as follows:

9 Cities of five thousand or more population and such contiguous  
10 property the residents of which may decide in favor thereof in the  
11 manner set forth in this chapter may create a metropolitan park  
12 district for the management, control, improvement, maintenance, and  
13 acquisition of parks, parkways, ((and)) boulevards, zoos, aquariums,  
14 and other recreational, civic, cultural, and interpretive facilities,  
15 including administrative and support facilities.

16 **Sec. 2.** RCW 35.61.020 and 1965 c 7 s 35.61.020 are each amended to  
17 read as follows:

1 At any general election, or at any special election which may be  
2 called for that purpose, or at any city election held in the city in  
3 all of the various voting precincts thereof, the city (~~council or~~  
4 ~~commission~~) legislative authority may, or on petition of fifteen  
5 percent of the qualified electors of the city based upon the  
6 registration for the last preceding general city election, shall by  
7 ordinance, submit to the voters of the city the proposition of creating  
8 a metropolitan park district, the limits of which shall be coextensive  
9 with the limits of the city as now or hereafter established, inclusive  
10 of territory annexed to and forming a part of the city.

11 Territory by virtue of its annexation to any city having heretofore  
12 created a park district shall be deemed to be within the limits of the  
13 metropolitan park district.

14 The city (~~council or commission~~) legislative authority shall  
15 submit the proposition at a special election to be called therefor when  
16 the petition so requests.

17 **Sec. 3.** RCW 35.61.030 and 1985 c 469 s 32 are each amended to read  
18 as follows:

19 In submitting the question to the voters for their approval or  
20 rejection, the city (~~council or commission~~) legislative authority  
21 shall pass an ordinance declaring its intention to submit the  
22 proposition of creating a metropolitan park district to the qualified  
23 voters of the city. The ordinance shall be published once a week for  
24 two consecutive weeks in the official newspaper of the city, and the  
25 city (~~council or commission~~) legislative authority shall cause to be  
26 placed upon the ballot for the election, at the proper place, the  
27 proposition which shall be expressed in the following terms:

28 l "For the formation of a metropolitan park district."

29 l "Against the formation of a metropolitan park district."

30 **Sec. 4.** RCW 35.61.050 and 1994 c 223 s 23 are each amended to read  
31 as follows:

32 All of the commissioners in the metropolitan park district shall be  
33 selected under one of the two methods described in this section. The  
34 city legislative authority shall determine in the ordinance described  
35 in RCW 35.61.030 which method of selecting commissioners is to be  
36 proposed.

1       (1) At the same election at which the proposition is submitted to  
2 the voters as to whether a metropolitan park district is to be formed,  
3 five metropolitan park commissioners shall be elected. The election of  
4 metropolitan park commissioners shall be null and void if the  
5 metropolitan park district is not created. Candidates shall run for  
6 specific commission positions. No primary shall be held to nominate  
7 candidates. The person receiving the greatest number of votes for each  
8 position shall be elected as a commissioner. The staggering of the  
9 terms of office shall occur as follows: ~~((+1))~~ (a) The two persons  
10 who are elected receiving the two greatest numbers of votes shall be  
11 elected to six-year terms of office if the election is held in an odd-  
12 numbered year or five-year terms of office if the election is held in  
13 an even-numbered year; ~~((+2))~~ (b) the two persons who are elected  
14 receiving the next two greatest numbers of votes shall be elected to  
15 four-year terms of office if the election is held in an odd-numbered  
16 year or three-year terms of office if the election is held in an even-  
17 numbered year; and ~~((+3))~~ (c) the other person who is elected shall be  
18 elected to a two-year term of office if the election is held in an odd-  
19 numbered year or a one-year term of office if the election is held in  
20 an even-numbered year. The initial commissioners shall take office  
21 immediately when they are elected and qualified, and for purposes of  
22 computing their terms of office the terms shall be assumed to commence  
23 on the first day of January in the year after they are elected.  
24 Thereafter, all commissioners shall be elected to six-year terms of  
25 office. All commissioners shall serve until their respective  
26 successors are elected and qualified and assume office in accordance  
27 with RCW 29.04.170. Vacancies shall occur and shall be filled as  
28 provided in chapter 42.12 RCW.

29       (2) Each of the city council members or city commissioners shall  
30 act ex officio as a commissioner of the metropolitan park district.  
31 The terms of the metropolitan park district commissioners shall be  
32 concurrent with their city council or city commission terms. A vacancy  
33 on the metropolitan park district commission shall be filled by the new  
34 city council member or commissioner for the corresponding city council  
35 or city commission position where the vacancy occurred.

36       **Sec. 5.** RCW 35.61.130 and 1969 c 54 s 1 are each amended to read  
37 as follows:

1       (1) A metropolitan park district has the right of eminent domain,  
2 and may purchase, acquire and condemn lands lying within or without the  
3 boundaries of (~~said~~) the park district, for public parks, parkways,  
4 boulevards, aviation landings (~~and~~), playgrounds, zoos, aquariums,  
5 and other recreational, civic, cultural, and interpretive facilities,  
6 including administrative and support facilities, and may condemn such  
7 lands to widen, alter, and extend streets, avenues, boulevards,  
8 parkways, aviation landings (~~and~~), playgrounds, zoo, aquariums, and  
9 other recreational, civic, cultural, and interpretive facilities,  
10 including administrative and support facilities, to enlarge and extend  
11 existing parks, and to acquire lands for the establishment of new  
12 parks, boulevards, parkways, aviation landings (~~and~~), playgrounds,  
13 zoos, aquariums, and other recreational, civic, cultural, and  
14 interpretive facilities, including administrative and support  
15 facilities. The right of eminent domain shall be exercised and  
16 instituted pursuant to resolution of the board of metropolitan park  
17 commissioners and conducted in the same manner and under the same  
18 procedure as is or may be provided by law for the exercise of the power  
19 of eminent domain by incorporated cities and towns of the state of  
20 Washington in the acquisition of property rights(~~(:—PROVIDED,~~  
21 ~~HOWEVER,)~~). However, funds to pay for condemnation allowed by this  
22 section shall be raised only as specified in this chapter.

23       (2) The board of metropolitan park commissioners shall have power  
24 to employ counsel, and to regulate, manage, and control the parks,  
25 parkways, boulevards, streets, avenues, aviation landings (~~and~~),  
26 playgrounds, zoos, aquariums, and other recreational, civic, cultural,  
27 and interpretive facilities, including administrative and support  
28 facilities, on property owned by itself or others under its control,  
29 and to provide for park (~~police~~) police, for a secretary of the  
30 board of metropolitan park commissioners, and for all necessary  
31 employees, to fix their salaries and duties. The board of metropolitan  
32 park commissioners shall have power to improve, acquire, extend and  
33 maintain, open, and lay out, parks, parkways, boulevards, avenues,  
34 aviation landings (~~and~~), playgrounds, zoos, aquariums, and other  
35 recreational, civic, cultural, and interpretive facilities, including  
36 administrative and support facilities, on property owned by itself or  
37 others, within or without the park district, and to authorize, conduct,  
38 and manage the letting of boats, or other amusement apparatus, the  
39 operation of bath houses, the purchase and sale of foodstuffs or other

1 merchandise, the giving of vocal or instrumental concerts or other  
2 entertainments, the establishment and maintenance of aviation landings  
3 ~~((and))~~, playgrounds, zoos, aquariums, and other recreational, civic,  
4 cultural, and interpretive facilities, including administrative and  
5 support facilities, on property owned by itself or others, and  
6 generally the management and conduct of such forms of recreation or  
7 business as it shall judge desirable or beneficial for the public, or  
8 for the production of revenue for expenditure for park purposes; and  
9 may pay out moneys for the maintenance and improvement of any such  
10 parks, parkways, boulevards, avenues, aviation landings ~~((and))~~,  
11 playgrounds, zoos, aquariums, and other recreational, civic, cultural,  
12 and interpretive facilities, including administrative and support  
13 facilities, on property owned by itself or others as now exist, or the  
14 rights to which may hereafter be acquired, within or without the limits  
15 of ~~((said))~~ the city and for the purchase of lands, rights in lands,  
16 and other property within or without the limits of ~~((said))~~ the city,  
17 whenever it deems the purchase to be for the benefit of the public and  
18 for the interest of the park district, and for the maintenance and  
19 improvement thereof and for all expenses incidental to its duties~~((+~~  
20 ~~PROVIDED, That))~~. However, all parks, boulevards, parkways, aviation  
21 landings ((and)), playgrounds, zoos, aquariums, and other recreational,  
22 civic, cultural, and interpretive facilities, including administrative  
23 and support facilities, on property owned by itself or others shall be  
24 subject to the police regulations of the city within whose limits they  
25 lie.

26 (3) The board of metropolitan park commissioners has the power to  
27 contract with any entity, public and private, including the city that  
28 created the district, for all such operations and services.

29 **Sec. 6.** RCW 35.61.150 and 1965 c 7 s 35.61.150 are each amended to  
30 read as follows:

31 Metropolitan park commissioners shall perform their duties as such  
32 without compensation therefor.

33 **Sec. 7.** RCW 35.61.180 and 1987 c 203 s 1 are each amended to read  
34 as follows:

35 (1) For cities with a population up to one hundred fifty thousand,  
36 the county treasurer of the county within which all, or the major  
37 portion, of the district lies shall be the ex officio treasurer of a

1 metropolitan park district, but shall receive no compensation other  
2 than his or her regular salary for receiving and disbursing the funds  
3 of a metropolitan park district.

4 A metropolitan park district may designate someone other than the  
5 county treasurer who has experience in financial or fiscal affairs to  
6 act as the district treasurer if the board has received the approval of  
7 the county treasurer to designate this person. If the board designates  
8 someone other than the county treasurer to act as the district  
9 treasurer, the board shall purchase a bond from a surety company  
10 operating in the state that is sufficient to protect the district from  
11 loss.

12 (2) For cities with a population greater than one hundred fifty  
13 thousand, the city treasurer is the ex officio treasurer of the  
14 metropolitan park district, but receives no compensation other than his  
15 or her regular salary for receiving and disbursing the funds of the  
16 metropolitan park district.

17 The metropolitan park district may designate someone other than the  
18 city treasurer who has experience in financial or fiscal affairs to act  
19 as the district treasurer. If the board designates someone other than  
20 the city treasurer to act as the district treasurer, the board shall  
21 purchase a bond from a surety company operating in the state that is  
22 sufficient to protect the district from loss.

23 **Sec. 8.** RCW 35.61.200 and 1983 c 167 s 56 are each amended to read  
24 as follows:

25 Any coupons for the payment of interest on metropolitan park  
26 district bonds shall be considered for all purposes as warrants drawn  
27 upon the metropolitan park district fund against which the bonds were  
28 issued, and when presented after maturity to the treasurer of the  
29 metropolitan park district of the county having custody of the fund.  
30 If there are no funds in the treasury to pay the coupons, the  
31 ~~((county))~~ treasurer of the metropolitan park district shall endorse  
32 ~~((said))~~ the coupons as presented for payment, in the same manner as  
33 county warrants are endorsed, and thereafter the coupon shall bear  
34 interest at the same rate as the bond to which it was attached. If  
35 there are no funds in the treasury to make payment on a bond not having  
36 coupons, the interest payment shall continue bearing interest at the  
37 bond rate until it is paid, unless otherwise provided in the  
38 proceedings authorizing the sale of the bonds.

1       **Sec. 9.** RCW 35.61.210 and 1997 c 3 s 205 (Referendum Bill No. 47)  
2 are each amended to read as follows:

3       The board of metropolitan park commissioners may levy or cause to  
4 be levied a general tax on all the property located in ((said)) the  
5 park district each year not to exceed fifty cents per thousand dollars  
6 of assessed value of the property in such park district. In addition,  
7 the board of metropolitan park commissioners may levy or cause to be  
8 levied a general tax on all property located in ((said)) the park  
9 district each year not to exceed twenty-five cents per thousand dollars  
10 of assessed valuation. Although park districts are authorized to  
11 impose two separate regular property tax levies, the levies shall be  
12 considered to be a single levy for purposes of the limitation provided  
13 for in chapter 84.55 RCW.

14       The board is hereby authorized to levy a general tax in excess of  
15 its regular property tax levy or levies when authorized so to do at a  
16 special election conducted in accordance with and subject to all the  
17 requirements of the Constitution and laws of the state now in force or  
18 hereafter enacted governing the limitation of tax levies. The board is  
19 hereby authorized to call a special election for the purpose of  
20 submitting to the qualified voters of the park district a proposition  
21 to levy a tax in excess of the seventy-five cents per thousand dollars  
22 of assessed value herein specifically authorized. The manner of  
23 submitting any such proposition, of certifying the same, and of giving  
24 or publishing notice thereof, shall be as provided by law for the  
25 submission of propositions by cities or towns.

26       The board shall include in its general tax levy for each year a  
27 sufficient sum to pay the interest on all outstanding bonds and may  
28 include a sufficient amount to create a sinking fund for the redemption  
29 of all outstanding bonds. The levy shall be certified to the proper  
30 county officials for collection the same as other general taxes and  
31 when collected, the general tax shall be placed in a separate fund in  
32 the office of the ((county)) treasurer of the metropolitan park  
33 district to be known as the "metropolitan park district fund" and paid  
34 out on warrants.

35       **Sec. 10.** RCW 35.61.290 and 1985 c 416 s 5 are each amended to read  
36 as follows:

37       (1) Any city within or comprising any metropolitan park district  
38 may turn over to the park district any lands, facilities, equipment, or

1 interests in any lands, facilities, or equipment therein which it may  
2 own, or any street, avenue, or public place within the city for  
3 playground, park (~~(or)~~), parkway (~~(purposes)~~), zoo, aquarium, or other  
4 recreational, civic, cultural, and interpretive facilities, including  
5 administrative and support purposes, and thereafter its control and  
6 management shall vest in the board of metropolitan park  
7 commissioners(~~(: PROVIDED, That)~~). However, the police regulations of  
8 such city shall apply to all such premises.

9 At any time that any such metropolitan park district is unable,  
10 through lack of sufficient funds, to provide for the continuous  
11 operation, maintenance, and improvement of the parks and playgrounds  
12 and other properties or facilities owned by it or under its control,  
13 and the legislative body of any city within or comprising such  
14 metropolitan park district shall determine that an emergency exists  
15 requiring the financial aid of such city to be extended in order to  
16 provide for such continuous operation, maintenance, and/or improvement  
17 of parks, playgrounds facilities, other properties, and programs of  
18 such park district within its limits, such city may grant or loan to  
19 such metropolitan park district such of its available funds, or such  
20 funds which it may lawfully procure and make available, as it shall  
21 find necessary to provide for such continuous operation and maintenance  
22 and, pursuant thereto, any such city and the board of metropolitan park  
23 commissioners of such district are authorized and empowered to enter  
24 into an agreement embodying such terms and conditions of any such grant  
25 or loan as may be mutually agreed upon.

26 The board of metropolitan park commissioners may accept public  
27 streets of the city and grounds for public purposes when donated for  
28 park, playground, boulevard, and park purposes.

29 (2) Counties may turn over to the park district any park (~~(and)~~)  
30 recreation lands, zoo, aquarium, and interpretive, civic, cultural, and  
31 interpretive facilities, including administrative and support  
32 facilities and equipment or interests to any lands, facilities, or  
33 equipment therein that they own, and the board of metropolitan park  
34 commissioners may accept such lands and equipment or interests to any  
35 lands, facilities, or equipment therein.

36 **Sec. 11.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each  
37 amended to read as follows:



1 Except as is permitted under RCW 84.55.050, all taxes shall be  
2 levied or voted in specific amounts.

3 The rate percent of all taxes for state and county purposes, and  
4 purposes of taxing districts coextensive with the county, shall be  
5 determined, calculated and fixed by the county assessors of the  
6 respective counties, within the limitations provided by law, upon the  
7 assessed valuation of the property of the county, as shown by the  
8 completed tax rolls of the county, and the rate percent of all taxes  
9 levied for purposes of taxing districts within any county shall be  
10 determined, calculated and fixed by the county assessors of the  
11 respective counties, within the limitations provided by law, upon the  
12 assessed valuation of the property of the taxing districts  
13 respectively.

14 When a county assessor finds that the aggregate rate of tax levy on  
15 any property, that is subject to the limitations set forth in RCW  
16 84.52.043 or 84.52.050, exceeds the limitations provided in either of  
17 these sections, the assessor shall recompute and establish a  
18 consolidated levy in the following manner:

19 (1) The full certified rates of tax levy for state, county, county  
20 road district, and city or town purposes shall be extended on the tax  
21 rolls in amounts not exceeding the limitations established by law;  
22 however any state levy shall take precedence over all other levies and  
23 shall not be reduced for any purpose other than that required by RCW  
24 84.55.010. If, as a result of the levies imposed under RCW 84.52.069,  
25 84.34.230, the portion of the levy by a metropolitan park district that  
26 was protected under RCW 84.52.120, and 84.52.105, the combined rate of  
27 regular property tax levies that are subject to the one percent  
28 limitation exceeds one percent of the true and fair value of any  
29 property, then these levies shall be reduced as follows: (a) The  
30 portion of the levy by a metropolitan park district that is protected  
31 under RCW 84.52.120 shall be reduced until the combined rate no longer  
32 exceeds one percent of the true and fair value of any property or shall  
33 be eliminated; (b) for a county with a population of greater than one  
34 million, the remaining levy for a metropolitan park district shall be  
35 reduced until the combined rate no longer exceeds one percent; (c) if  
36 the combined rate of regular property tax levies that are subject to  
37 the one percent limitation still exceeds one percent of the true and  
38 fair value of any property, then the levies imposed under RCW  
39 84.34.230, 84.52.105, and any portion of the levy imposed under RCW

1 84.52.069 that is in excess of thirty cents per thousand dollars of  
2 assessed value, shall be reduced on a pro rata basis until the combined  
3 rate no longer exceeds one percent of the true and fair value of any  
4 property or shall be eliminated; and ~~((e))~~ (d) if the combined rate  
5 of regular property tax levies that are subject to the one percent  
6 limitation still exceeds one percent of the true and fair value of any  
7 property, then the thirty cents per thousand dollars of assessed value  
8 of tax levy imposed under RCW 84.52.069 shall be reduced until the  
9 combined rate no longer exceeds one percent of the true and fair value  
10 of any property or eliminated.

11 (2) The certified rates of tax levy subject to these limitations by  
12 all junior taxing districts imposing taxes on such property shall be  
13 reduced or eliminated as follows to bring the consolidated levy of  
14 taxes on such property within the provisions of these limitations:

15 (a) First, the certified property tax levy rates of those junior  
16 taxing districts authorized under RCW 36.68.525, 36.69.145, and  
17 67.38.130 shall be reduced on a pro rata basis or eliminated;

18 (b) Second, if the consolidated tax levy rate still exceeds these  
19 limitations, the certified property tax levy rates of flood control  
20 zone districts shall be reduced on a pro rata basis or eliminated;

21 (c) Third, if the consolidated tax levy rate still exceeds these  
22 limitations, the certified property tax levy rates of all other junior  
23 taxing districts, other than fire protection districts, library  
24 districts, the first fifty cent per thousand dollars of assessed  
25 valuation levies for metropolitan park districts, and the first fifty  
26 cent per thousand dollars of assessed valuation levies for public  
27 hospital districts, shall be reduced on a pro rata basis or eliminated;

28 (d) Fourth, if the consolidated tax levy rate still exceeds these  
29 limitations, the certified property tax levy rates authorized to fire  
30 protection districts under RCW 52.16.140 and 52.16.160 shall be reduced  
31 on a pro rata basis or eliminated; and

32 (e) Fifth, if the consolidated tax levy rate still exceeds these  
33 limitations, the certified property tax levy rates authorized for fire  
34 protection districts under RCW 52.16.130, library districts,  
35 metropolitan park districts under their first fifty cent per thousand  
36 dollars of assessed valuation levy, and public hospital districts under  
37 their first fifty cent per thousand dollars of assessed valuation levy,  
38 shall be reduced on a pro rata basis or eliminated.

1 In determining whether the aggregate rate of tax levy on any  
2 property, that is subject to the limitations set forth in RCW  
3 84.52.050, exceeds the limitations provided in that section, the  
4 assessor shall use the hypothetical state levy, as apportioned to the  
5 county under RCW 84.48.080, that was computed under RCW 84.48.080  
6 without regard to the reduction under RCW 84.55.012.

7 NEW SECTION. **Sec. 12.** A new section is added to chapter 35.61 RCW  
8 to read as follows:

9 RCW 35.61.250 through 35.61.280 and 35.61.360 only apply to  
10 metropolitan park districts with boards of metropolitan park  
11 commissioners elected under RCW 35.61.050(1).

12 NEW SECTION. **Sec. 13.** A new section is added to chapter 35.61 RCW  
13 to read as follows:

14 The boundaries of a metropolitan park district whose board of  
15 commissioners is selected under RCW 35.61.050(2) is coterminous with  
16 the boundaries of the city in which it has been established including  
17 any annexations that occur during or after the establishment of the  
18 metropolitan park district.

19 NEW SECTION. **Sec. 14.** A new section is added to chapter 35.61 RCW  
20 to read as follows:

21 Where a metropolitan park district contracts with a nonprofit  
22 corporation or other public or private organization to manage its  
23 operations, the chief executive officer may be appointed by the  
24 managing organization. In such instance, the appointment shall be  
25 effective only upon a majority vote confirmation of the commissioners  
26 of the metropolitan park district. If provided by such a contract, the  
27 director may be removed by the managing organization, after  
28 consultation with the commissioners of the metropolitan park district,  
29 upon filing a statement of reasons for the removal with the  
30 commissioners of the metropolitan park district. The chief executive  
31 officer shall not be a member of the civil service that a metropolitan  
32 park district may establish under RCW 35.61.140.

33 NEW SECTION. **Sec. 15.** A new section is added to chapter 35.61 RCW  
34 to read as follows:

1       Notwithstanding any provisions to the contrary contained in a city  
2 charter, and to the extent provided by the city under an appropriate  
3 legislative enactment, employees of a metropolitan park district may be  
4 included in the personnel system or civil service and retirement plans  
5 of a city that shares territory with the metropolitan park district.  
6 The city and metropolitan park district are each authorized to pay the  
7 parts of the expense of operating and maintaining the personnel system  
8 or civil service and retirement system and to contribute to the  
9 retirement fund on behalf of employees those sums as may be agreed upon  
10 between the legislative authorities of the city and the metropolitan  
11 park district.

--- END ---